

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MOTION FOR REDUCTION IN SENTENCE

Comes now Louis Head, Defendant, by and through his attorney Lucy G. Liggett, Assistant Federal Public Defender, and pursuant to 18 U.S.C. Section 3582(c), requests this Court reduce the term of imprisonment on the grounds that the retroactive amendment to the crack cocaine guideline reduces the base offense level in the presentence investigation report. In support thereof, Defendant states to the Court the following:

1. Defendant is serving a term of imprisonment of 120 months in the Bureau of Prisons for the offense of possession with intent to distribute cocaine base. The term of imprisonment was ordered to run concurrently to the term of imprisonment imposed by the Circuit Court of St. Louis County. At this time, Defendant is in the Missouri Department of Corrections serving his sentences.

2. The amount of cocaine base Defendant was responsible for was 35.43 grams. The relevant conduct included 11.94 grams of marijuana. Defendant had a base offense level of 30. Three levels were subtracted for acceptance of responsibility and his total offense level was 27. His criminal history category was V, resulting in a guideline range of imprisonment of 120 to 150

months. The Court sentenced Defendant to a term of imprisonment of 120 months. The minimum term of imprisonment as required by statute is 60 months.

3. The sentencing range Defendant was sentenced under was subsequently lowered by the U.S. Sentencing Commission on November 1, 2007. Retroactive amendment 706 to the Sentencing Guidelines' Drug Quantity Table in Section 2D1.1 reduces the base offense level by 2 levels.

4. According to 2D1.1, application Note 10, the procedure for determining the base offense level in a case involving multiple drugs is as follows: determine the new base offense level for 35.43 grams of cocaine base, convert the cocaine base into marijuana according to the equivalency table, add the quantities of marijuana together and determine the new base offense level.

1. At base offense level 28, 11.4 kg. of marijuana per gram of cocaine base

$$35.43 \times 11.4 = 403.902 \text{ kg. marijuana}$$

2. $403.902\text{kg.} + 11.94 \text{ gms.} = 403.91 \text{ kg.}$

3. 403.91 kg. marijuana corresponds to base offense level 28.

After subtracting three levels for acceptance of responsibility, his total offense level is 25. The criminal history category is V, resulting in a new guideline range of imprisonment of 100 to 125 months. Defendant requests this Court reduce his term of imprisonment from 120 to 100 months and order the sentence to run concurrently to the sentence Defendant is serving from the Circuit Court of St. Louis County in 21-02CR-679.

5. While Defendant has been incarcerated in the Missouri Department of Corrections, Defendant has been employed in the following capacities: laundry crew, barber, food service, and currently he is assisting an inmate with a disability. He has taken the placement test for vocational training in computer repair programming. When he is released from prison, he plans to live with his mother and oldest son in St. Louis. His goals are to seek reinstatement of his barber's license and

employment in a barber shop. He would like the Court to know that he admits his mistakes and has taken full responsibility for his actions. He wants to raise his children to be successful individuals who do not make the same mistakes he has made in his life. He wants to be productive and have a career as a barber and hair stylist. He hopes to have his own business which he can leave to his children when he passes.

WHEREFORE, Defendant prays this Court grant his motion and reduce his sentence.

Respectfully submitted,

/s/Lucille G. Liggett
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon, Assistant United States Attorney.

I hereby certify that on March 26, 2008, the foregoing was hand delivered to the following non-participants in the Electronic Case Filing: United States Probation Office, 111 South 10th Street, 2nd Floor, St. Louis Missouri.

/s/Lucille G. Liggett

LUCILLE G. LIGGETT

Assistant Federal Public Defender